



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

SAMUEL TIJUANA JONES,
Petitioner,

vs.

WARDEN, FCI Edgefield,
Respondent.

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CIVIL ACTION NO. 4:08-3180-HFF-TER

ORDER

This case was filed as a 28 U.S.C. § 22411 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondent's motion for summary judgment be granted and this petition dismissed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 11, 2010, and the Clerk of Court entered Petitioner's objections to the Report on March 4, 2010. The Court has reviewed those objections, however, and finds them to be without merit. Therefore, the Court will enter judgment accordingly.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Respondent's motion for summary judgment is **GRANTED** and this petition **DISMISSED**.

This Court declines to issue a certificate of appealability as Petitioner has failed to make a substantial showing of the denial of a constitutional right. Thus, to the extent that Petitioner requests such a certificate, that request is **DENIED**.

IT IS SO ORDERED.

Signed this 8th day of March, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 60 (sixty) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.